

Linda Seger, AZCLDP #80290  
Owner, Divorce Packet Processing LLC  
6050 N Oracle Road, Suite F Tucson, AZ 85704  
520-544-9888  
[divorcepacket@gmail.com](mailto:divorcepacket@gmail.com)

Specific comments regarding proposed addition J(3)(e):

The words “Other than” are restrictive. As “other than” means if it’s not listed, it can’t be done. Which opens a HUGE can of worms as there is so much we can do. Better, if want to say something an LDP cannot do, just say it. But I’m not sure the writer(s) understand what an LDP CAN do.

In reference to research to determine “utilizing the appropriate form”, rarely is there only one way to address a legal matter. So rather than “the appropriate”, it would be better to say “an appropriate”. Further, the terms “utilizing” and “form” imply the use of ready-made forms such as court forms or those commercially produced elsewhere. Not only would this involve copyright issues, but it indicates something fill-in-the-blank, ie: something a scrivener or secretary would use. And the code makes quite clear in its definition of an LDP that we are more than a secretarial service. Thus why throughout the code the word “document”, rather than “form” is used. And we’re not “utilizing” anyone’s documents, we’re creating them. As the research we do is to determine that we are preparing and providing an appropriate document. As pursuant to F(1)(a) we are authorized to “prepare and provide legal documents”. As long as we do them right and stick to the rest of the code.

Also, to refer to just the “form” (or, as said, the more correct “document”), implies we’re just handing over papers. And we’re not. Rather, most often we’re involved in a process, including court filing, recording, and getting proof of service - all allowed in the code. Which requires researching procedure. And more. So to refer to research in reference to just the form/document is incorrect. And again, my concern with the phrase “other than”.

However, my biggest concern with this paragraph is use of the words “research” and “on behalf of a specific client”. As we do research all the time. For a specific client.

No one can memorize every statute, rule, code, etc. So often when a client asks a question, one must look up the answer, ie: research it. (Plus, I prefer to quote from a statute or rule rather than speak off the top of my head. As shows I’m providing “general factual information”.) Granted, we’ve likely answered the same question to thousands before. But at that time and place, it is indeed research for that specific client. Semantics? Perhaps. But code cannot leave any room for misinterpretation.

Also, no one can know everything. So when something arises that an LDP has never encountered, how else to properly address it other than through research? And even if of a general nature, it is still for that specific client. (As there’s always your first.)

Also, even if one did know everything, things change. So that first person to walk in when a new law is in place will require you research things. For that specific client.

Granted, the prior examples of research for a specific client are likely not what the writer of the proposed changes meant. Although who knows? Again, code cannot leave any room for misinterpretation.

Last, proposed addition J(3)(e) refers to said research “concerning legal theory or authority”. But isn’t all law based on legal authority? Even legal theory? I could give hundreds of examples, but rather than taking the time for that, the bottom line is it’s unclear. And, again, we can’t have code that is unclear.

#### Specific comments regarding proposed addition J(3)(f):

My concern with this proposed addition is the phrase “substantive legal statements or arguments”. As what is substantive may be a matter of opinion. The general definition of “substantive”, per dictionary.com: “Having a firm basis in reality and therefore important, meaningful or considerable”. So most any statement in a legal matter seems substantive. As to the legal definition, per Merriam-Webster: “Substantive law creates or defines rights, duties, obligations and causes of actions that can be enforced by law”. I only work with uncontested divorces but most every statement made in a divorce pleading seems substantive. In other matters, I am sure it is the same.

I am also concerned about the record keeping proposed in this change, including the issues of confidentiality and cost, but I feel comments by others have well addressed this. But know I disagree wholeheartedly about records being required. As any good document preparer knows what records to keep and why. As we must be able to prove, should be we called before the board for a legitimate complaint made, that we did not cross the line from what the code allows us to do. Interestingly enough though, I don’t believe there has ever been a consumer complaint about someone crossing that line.

#### Summary comments regarding proposed additions J(3)(e) and (f):

Again, I cannot speak to the writer(s)’ intent as to the proposed additions. And can only address how these additions might affect my work. And I work only with uncontested divorces. Which is one of the most simple and basic matters. And likely not one the writer(s) of these additions was targeting. But it is one of the main areas of law the court initially hoped this program would be able to help with. And an area of law that probably affects more consumers than all other areas of law combined. So if I interpret most every part of said proposed additions in a way that undermines my preparing and processing even a simple, uncontested divorce, then who is to say someone else isn’t going to read them that way? Thus these additions will shut down the LDP program. Which we cannot have. Nor, if the demise of the program was not the writer(s)’ intent, can we have code that is unclear. But if even one person interprets these additions in a way different from another, they are unclear. Which we cannot have.

#### Comments regarding proposed revision to E(3)(d):

It seems this omits the prior business entity fee exemption and instead allows those who exist as a corporation, LLC, or partnership but operate essentially as a sole-proprietorship to pay \$100 in dues. More than the prior exemption, but still less than the standard business entity fee of \$650. If this is not the correct interpretation, this is a problem.

#### Comments regarding proposed revision to G(2):

Appears to reduce the CE requirement from 20 hours per certification period to 15. With no requirement of how many per year. Correct?

Comments regarding proposed addition L(3)(b):

Adds the requirement of a 2 hour professionalism TRAINING (emphasis added) course on the role and responsibilities of the certified legal document preparer as sponsored by division staff. And that there is no cost for it during the first 2 years of certification.

My main concern about this is that we already have Section F of the code, "Role and Responsibilities of Certificate Holders". Thus every document preparer should know this PRIOR to being certified. If there are other roles and responsibilities the board or staff feels should be known, said should all be covered in the self-study guide for the exam and the exam itself, ie: known PRIOR to certification.

Am not sure I'm interpreting this right, but appears once you've received approval of your "individual certification" you must do this class, ie: this would only be upon your initial individual certification and not individual renewal. So only new certificate holders must take this course. Please confirm that current LDP's would not need to take this course.

Am confused by the verbiage "There shall be no cost for any legal document preparer attending the class during the first two years of certification". As it appears the course must be completed within what appears to be 2 years of board approval of individual certification. (Although that's nice there is no cost for them.) But stating this makes it sound like maybe my above reading was incorrect and all must take this course every 2 years, upon receiving approval of their individual certification, whether renewal or not. If so, every 2 years to receive TRAINING is a waste of time for those already certified. Especially for awhile. If anything, change the 1 hour of ethics to 2. And offer this course as an optional ethics course. Among the many out there. Or instead of every 2 years, make it a one time requirement.

Also, what IS the cost if AFTER the first 2 years? And is this course going to be offered online? As it would be prohibitive for many to travel to Phoenix.

Am also concerned about the division staff teaching this course. Makes more sense to have an LDP who has WORKED as an LDP teach this. I really don't feel division staff know what an LDP can and cannot do. And what they say may be more their opinion. Versus fact. Same concerns with an LDP board member teaching this. (And even board members have a difference in opinion of what we can and cannot do. So if they don't agree, how can they teach the class?) And if this course isn't so much about what an LDP can and cannot do but is simply stating what's in the code, what's the point? This course is quite unclear and I think the proposed curricular needs to be seen before anything about it can be up for comment.

Comments regarding the addition of L(4)(c) and change to (e):

This appears to note that "interactive web-based classes" differ from "self-study", the former being courses with prompts and with no limit placed on the number of hours, the latter being courses without prompts and limited to 5 hours. I LIKE THIS!